

U.S. DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANAJUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**A CERTIFIED TRUE COPY**

FILED

APR 18 2007

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DOCKET NO. 1657

LORETTA G. WHYTE  
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APR 18 2007

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**MARKETING, SALES PRACTICES AND PRODUCTS  
LIABILITY LITIGATION****BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.  
FREDERICK MOTZ,\* ROBERT L. MILLER, JR., KATHRYN H. VRATIL,  
DAVID R. HANSEN AND ANTHONY J. SCIRICA,\* JUDGES OF THE PANEL****TRANSFER ORDER**

Presently before the Panel are motions, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in 83 actions to vacate the Panel's orders conditionally transferring the actions listed on Schedule A to the Eastern District of Louisiana for inclusion in the Section 1407 proceedings occurring there in this docket. Merck & Co., Inc., favors inclusion of these actions in MDL-1657 proceedings.

On the basis of the papers filed and hearing session held (without oral argument), the Panel finds that these actions involve common questions of fact with actions in this litigation previously transferred to the Eastern District of Louisiana. Transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Any pending motions to remand to state court can be presented to and decided by the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001). The Panel further finds that transfer of these actions is appropriate for the reasons expressed by the Panel in the original order directing centralization in this docket. In that order, the Panel held that the Eastern District of Louisiana was a proper Section 1407 forum for actions involving claims relating to Vioxx. *See In re Vioxx Products Liability Litigation*, 360 F.Supp.2d 1352 (J.P.M.L. 2005).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Eastern District of Louisiana and, with the consent of that court, assigned to the Honorable Eldon E. Fallon for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

**CLERK'S OFFICE  
A TRUE COPY**

APR 23 2007

Deputy Clerk, U.S. District Court  
Eastern District of Louisiana  
New Orleans, LA

FOR THE PANEL:

Wm. Terrell Hodges  
Chairman

Fee

Process

X Dkt'd

CtRmDep

Doc. No.

\* Judges Motz and Scirica took no part in the decision of this matter.

## SCHEDULE A

### MDL-1657 -- In re Vioxx Marketing, Sales Practices and Products Liability Litigation

EDLA  
SEC. L/

#### Eastern District of California

<i>Sheryl Churchman v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-2479	07-2063
<i>Irene Lear v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-2830	07-2064
<i>Allan J. English v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-2833	07-2065

#### Northern District of California

<i>Dolores Lee Tazmon v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 3:06-7455	07-2066
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#### Southern District of California

<i>Hermogenes Del Rosario v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 3:06-2535	07-2067
<i>Maria Graham, etc. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 3:06-2536	07-2068
<i>Sandra Boardman, etc. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 3:06-2537	07-2069
<i>Lloyd Bell, etc. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 3:06-2538	07-2070
<i>Joseph Cornwall, etc. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 3:06-2539	07-2071
<i>Nancy Murphy v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 3:07-13	07-2072

#### District of Colorado

<i>James Franklin, etc. v. Merck &amp; Co., Inc.</i> , C.A. No. 1:06-2164	07-2073
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#### Southern District of Florida

<i>Kenneth Bowe, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14284	07-2074
<i>Jacob Avidon, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14285	07-2075
<i>Veronica Clark-Atchinson v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14287	07-2076
<i>Robin A. Curry v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14288	07-2077
<i>Lystine Fairweather, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14289	07-2078
<i>Mary Lee Hudson v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14290	07-2079
<i>Walter Smith, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14291	07-2080
<i>Warren Young, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14292	07-2081
<i>Andrew Trax, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14293	07-2082
<i>Helen Spano, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14294	07-2083
<i>John Gumas v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14295	07-2084
<i>Darrell Duncan v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14296	07-2085
<i>James Ferguson v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14297	07-2086
<i>Carol Morgan v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14298	07-2087

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**MDL-1657 Schedule A (Continued)****EDLA  
SEC. 1/3**Southern District of Florida (Continued)

<i>Patricia C. Putman, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14299	07-2088
<i>Donald L. Simons v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14300	07-2089
<i>Donna Robinson v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-14301	07-2090
<i>Gail Simmons v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 9:06-80994	07-2091
<i>Anita Finnegan v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 9:06-80996	07-2092
<i>Joseph Ivvara, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 9:06-80997	07-2093
<i>Thomas Erling v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 9:06-80998	07-2094

Southern District of Illinois

<i>Sharon Calaway v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 3:06-870	07-2095
<i>Sandra Kay Lindsey v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 3:06-883	07-2096
<i>Steven Strader v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 3:06-896	07-2097
<i>Patricia A. Taylor v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 3:06-948	07-2098

District of Nevada

<i>Charles Fitzgerald, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-1324	07-2099
<i>Calvin Maestro, M.D., et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-1325	07-2100
<i>George Morris, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-1326	07-2101
<i>Estate of Mary Hoffman Williams, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-1327	07-2102
<i>George Mayfield, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-1328	07-2103
<i>Barbara Wyman, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-1329	07-2104

Southern District of New York

<i>Ali Ghanem v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 1:06-11419	07-2105
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District of South Carolina

<i>Joyce R. Sanders, etc. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 4:06-3225	07-2106
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Southern District of Texas

<i>Juan Lizardi v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 1:06-176	07-2107
<i>Maria G. Gonzalez v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 1:06-181	07-2108
<i>San Juanita Mares Lejia, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 1:06-184	07-2109
<i>Rosario Lechuga v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-478	07-2110
<i>Divine Garcia v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-489	07-2111

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## MDL-1657 Schedule A (Continued)

EDLA  
SEC. L/3Southern District of Texas (Continued)

<i>Hortencia Garza, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-494	07-2112
<i>Pedro Hernandez v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 2:06-499	07-2113
<i>John Blazier v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 3:06-721	07-2114
<i>Evert Crump v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 3:06-723	07-2115
<i>Richard Smith v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 3:06-724	07-2116
<i>Vada Tolbert v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 4:06-3689	07-2117
<i>Lynna J. Anderson, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 6:06-114	07-2118
<i>Lilian Murphree v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-303	07-2119
<i>Juan R. Gonzalez v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-319	07-2120
<i>Adolfo De Leon v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-320	07-2121
<i>Victor Saenz v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-321	07-2122
<i>Francisca Villarreal, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-322	07-2123
<i>Jose Zuniga v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-329	07-2124
<i>Rodolfo Regalado v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-331	07-2125
<i>Ludivina Pena v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-333	07-2126
<i>Anita Salinas v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-334	07-2127
<i>Alonzo Rivas v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-336	07-2128
<i>Dora Hernandez v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-337	07-2129
<i>Julio Sierra v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-338	07-2130
<i>Javier Trevino v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-340	07-2131
<i>Marcelina Tijerina v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-341	07-2132
<i>Maria De Leon v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-344	07-2133
<i>Abdon Gonzalez v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-345	07-2134
<i>Maria Quintanilla v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-346	07-2135
<i>Adriana Negrete v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-347	07-2136
<i>Nora De Los Rios, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 7:06-357	07-2137

Western District of Texas

<i>Emil Kenneth Braune v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 1:06-848	07-2138
<i>Marilyn Trent v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 1:06-858	07-2139
<i>Charles Ray Garrett, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 1:06-859	07-2140
<i>Shirley Ison, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 1:06-865	07-2141
<i>Esther McConoghy v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 1:06-870	07-2142
<i>Ruby Shaw v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 1:06-871	07-2143
<i>Nathaniel Knight v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 1:06-901	07-2144
<i>Selma Gonzalez, et al. v. Merck &amp; Co., Inc., et al.</i> , C.A. No. 5:06-985	07-2145